

215268

# DOCUMENT TRANSMITTAL FORM

This form must be completed and submitted with each document filed with the Editor of the *State Register* in the Legislative Council

Agency Name Public Service Commission	1. Chapter Number 103	2. Date of Filing February 13, 2009
3. Regulation Number 26 S. C. Code Ann. Regs. 103-181 26 S. C. Code Ann. Regs. 103-220(d)	4. Subject of Regulation Workers' Compensation Insurance and Use of Leased Vehicles.	
5. Statutory Authority S.C. Code Ann. Section 58-3-140		
6. Type of Filing <input type="checkbox"/> NOTICE OF GENERAL PUBLIC INTEREST <input type="checkbox"/> NOTICE OF DRAFTING <input checked="" type="checkbox"/> PROPOSED REGULATION <input type="checkbox"/> EMERGENCY REGULATION <input type="checkbox"/> FINAL REGULATION FOR GENERAL ASSEMBLY REVIEW <input type="checkbox"/> RESUBMISSION OF WITHDRAWN REGULATION FOR GENERAL ASSEMBLY REVIEW <input type="checkbox"/> FINAL REGULATION EXEMPT FROM GENERAL ASSEMBLY REVIEW		
5. For Additional Information, Contact Jocelyn G. Boyd		6. Telephone Number 896-5114
7. Typed Name of Official Jocelyn G. Boyd	8. Signature of Official <i>Jocelyn G. Boyd</i>	9. Date February 13, 2009

SOUTH CAROLINA STATE REGISTER USE ONLY	
10. For publication in SR Volume ____ Issue ____  Document Number ____  Verification: ____	OFFICIAL FILING STAMP <b>FILED</b> FEB 13 2009 S.C. LEGISLATIVE COUNCIL

Document No. \_\_\_\_\_  
**PUBLIC SERVICE COMMISSION OF SOUTH CAROLINA**  
**CHAPTER 103**  
Statutory Authority: 1976 Code Section 58-3-140 (Supp. 2008)

103-181. Workers' Compensation Insurance.

103-220(d). Use of Leased Vehicles.

**Preamble:**

The Public Service Commission of South Carolina (Commission) proposes to amend its regulations regarding workers' compensation insurance in its transportation regulations and the responsibility of lessees in the use of leased vehicles. The Notice of Drafting regarding these regulations was published on December 26, 2008, in the State Register.

**Section-by-Section Discussion**

103-181. Workers' Compensation Insurance. This regulation is being deleted as South Carolina workers' compensation laws are governed by Title 42 of the South Carolina Code.

103-220(d). Use of Leased Vehicles. This regulation is being amended to state the responsibility of lessees regarding the use of leased vehicles and the lessee's complete assumption of public responsibility, including the procurement of insurance. The proposed amendments also require that the arrangement regarding the leased vehicle must state that the lessee has exclusive possession, control and use of the power unit.

**Notice of Public Hearing and Opportunity for Public Comment:**

Interested persons may submit written comments to the Public Service Commission, Docketing Department, 101 Executive Center Drive, Columbia, South Carolina 29210. Please reference Docket Number 2008-442-T. To be considered, comments must be received no later than 4:45 p.m. on April 1, 2009. Interested members of the public and the regulated community are invited to make oral or written comments on the proposed regulation at a public hearing to be conducted by the Public Service Commission on April 22, 2009, at 10:30 a.m. in the Commission's Hearing Room, 101 Executive Center Drive, Columbia, South Carolina 29210.

**Preliminary Fiscal Impact Statement:**

There will be no increased costs to the State or its political subdivisions.

**Statement of Need and Reasonableness:**

This statement of need and reasonableness was determined pursuant to S.C. Code Ann. Section 1-23-115(C)(1) through (3) and (9) through (11).

**DESCRIPTION OF REGULATION:**

26 S.C. Code Ann. Regs. 103-181. Workers' Compensation Insurance.

26 S.C. Code Ann. Regs. 103-220(d). Use of Leased Vehicles.

**Purpose:** The purpose of deleting Regulation 103-181 is Title 42 of the South Carolina Code governs workers' compensation laws. Thus, Regulation 103-181 is unnecessary. The proposed changes to Regulation 103-220(d) clarify that the lessee of a leased vehicle has the

exclusive possession, control, and use of leased vehicles and that the lessee is responsible for procuring insurance for the duration of the contract, lease, or other arrangement. Additionally, the proposed changes provide that the contract, lease, or other approved arrangement shall specify that the lessee has exclusive possession, control and use of the power unit and that the lessee must procure insurance for the leased vehicle for the duration of said agreement.

Legal Authority: S.C. Code Ann. Section 58-3-140 (Supp. 2008)

Plan for Implementation: The proposed regulation will take effect upon approval by the General Assembly and publication in the *State Register*.

**DETERMINATION OF NEED AND REASONABLENESS OF THE PROPOSED REGULATION BASED ON ALL FACTORS HEREIN AND EXPECTED BENEFITS:**

The deletion of Regulation 103-181 eliminates an unnecessary regulation as Title 42 provides sufficient detail regarding South Carolina workers' compensation laws. The amendments to Regulation 103-220(d) outline the lessees' responsibilities regarding leased vehicles and eliminate confusion regarding the lessees' responsibilities.

**DETERMINATION OF COSTS AND BENEFITS:**

Although costs related to the proposed changes to Regulations 103-181 and 103-220(d) are minimal, the benefits include the deletion of an unnecessary regulation and the clarification of duties of lessees in a necessary regulation.

**UNCERTAINTIES OF ESTIMATES:**

None.

**EFFECT ON ENVIRONMENT AND PUBLIC HEALTH:**

None.

**DETRIMENTAL EFFECT ON THE ENVIRONMENT AND PUBLIC HEALTH IF THE REGULATION IS NOT IMPLEMENTED:**

The regulation will have no detrimental effect on the environment or public health if the regulation is not implemented.

**STATEMENT OF RATIONALE:**

The purpose of deleting Regulation 103-181 is Title 42 governs workers' compensation laws in South Carolina. Also, the purpose of the proposed amendments to Regulation 103-220(d) is to clarify the responsibilities of lessees in the use of leased vehicles. There was no scientific or technical basis relied upon in the development of this regulation.

~~Indicates Matter Stricken~~

Indicates New Matter

**Text:**

~~103-181. Workers' Compensation Insurance. Holders of Class E and Class F Certificates shall obtain Workers' Compensation Insurance in a manner uniform with the laws of this State.~~

103-220(d). Use of Leased Vehicles. The contract, lease, or other approved arrangement, shall provide that the lessee has ~~Shall provide for the~~ exclusive possession, control, and use of the power unit and bears ~~for~~ the complete assumption of public responsibility (i.e., insurance) ~~in~~

~~respect thereto~~ for the vehicle ~~by the lessee~~ for the duration of said contract, lease, or other arrangement;